

1988, 102 Stat. 1411, related to establishment of agricultural aid and trade missions.

Section 1736bb-1, Pub. L. 100-202, § 2, Dec. 22, 1987, 101 Stat. 1329-445, related to required and additional missions and eligible countries.

Section 1736bb-2, Pub. L. 100-202, § 3, Dec. 22, 1987, 101 Stat. 1329-446, related to functions of members of missions to eligible countries.

Section 1736bb-3, Pub. L. 100-202, § 4, Dec. 22, 1987, 101 Stat. 1329-446; Pub. L. 100-418, title IV, § 4610(b), Aug. 23, 1988, 102 Stat. 1411, related to mission reports.

Section 1736bb-4, Pub. L. 100-202, § 5, Dec. 22, 1987, 101 Stat. 1329-446; Pub. L. 100-418, title IV, § 4610(b), Aug. 23, 1988, 102 Stat. 1411, related to quarterly progress reports on implementing recommendations of missions.

Section 1736bb-5, Pub. L. 100-202, § 6, Dec. 22, 1987, 101 Stat. 1329-447; Pub. L. 100-418, title IV, § 4610(b), Aug. 23, 1988, 102 Stat. 1411, related to authorization of appropriations.

Section 1736bb-6, Pub. L. 100-202, § 7, Dec. 22, 1987, 101 Stat. 1329-447; Pub. L. 100-418, title IV, § 4610(b), Aug. 23, 1988, 102 Stat. 1411; Pub. L. 101-624, title XV, § 1515(b), Nov. 28, 1990, 104 Stat. 3663; Pub. L. 102-237, title III, § 307, Dec. 13, 1991, 105 Stat. 1856, provided definitions for former sections 1736bb to 1736bb-6.

#### INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO AGRICULTURAL AID AND TRADE MISSIONS

Pub. L. 100-277, § 7, Apr. 4, 1988, 102 Stat. 69, provided that any agricultural aid and trade mission established under this section and any other activity under sections 1736bb to 1736bb-6 of this title were not to be considered advisory committee for purposes of Federal Advisory Committee Act, 5 App. U.S.C., prior to repeal by Pub. L. 104-127, title II, § 271(b), Apr. 4, 1996, 110 Stat. 976.

### § 1736cc. Repealed. Pub. L. 101-624, title XV, § 1577, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 101-220, § 13, Dec. 12, 1989, 103 Stat. 1884, prohibited duty drawback claims by exporters who used certain export promotion programs.

## SUBCHAPTER V—FARMER-TO-FARMER PROGRAM

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1727e of this title.

### § 1737. Farmer-to-farmer program

#### (a) In general

To further assist developing countries, middle-income countries, and emerging markets to increase farm production and farmer incomes, the President may, notwithstanding any other provision of law—

(1) establish and administer a program of farmer-to-farmer assistance between the United States and such countries to assist in increasing food production and distribution and improving the effectiveness of the farming and marketing operations of farmers;

(2) utilize United States farmers, agriculturalists, land grant universities, private agribusinesses, and nonprofit farm organizations to work in conjunction with farmers and farm organizations in such countries, on a voluntary basis, to facilitate the improvement of farm and agribusiness operations and agricultural systems in such countries, including animal care and health, field crop cultivation, fruit and vegetable growing, livestock operations, food processing and packaging, farm

credit, marketing, inputs, agricultural extension, and the strengthening of cooperatives and other farmer groups;

(3) transfer the knowledge and expertise of United States agricultural producers and businesses, on a people-to-people basis, to such countries while enhancing the democratic process by supporting private and public agriculturally related organizations that request and support technical assistance activities through cash and in-kind services;

(4) to the extent practicable, enter into contracts or other cooperative agreements with or make grants to private voluntary organizations, cooperatives, land grant universities, private agribusiness, or nonprofit farm organizations to carry out this section (except that any such contract or other agreement may obligate the United States to make outlays only to the extent that the budget authority for such outlays is available pursuant to subsection (c) of this section or has otherwise been provided in advance in appropriation Acts);

(5) coordinate programs established under this section with other foreign assistance activities carried out by the United States; and

(6) to the extent that local currencies can be used to meet the costs of a program established under this section, augment funds of the United States that are available for such a program through the use of foreign currencies that accrue from the sale of agricultural commodities under this chapter, and local currencies generated from other types of foreign assistance activities, within the country where the program is being conducted.

#### (b) Definitions

The following definitions apply for purposes of this section:

##### (1) Emerging market

The term “emerging market” means any country that the Secretary determines—

(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

##### (2) Middle income country

The term “middle income country” means a country that has developed economically to the point where it does not receive bilateral development assistance from the United States.

#### (c) Minimum funding

Notwithstanding any other provision of law, not less than 0.4 percent of the amounts made available for each of the fiscal years 1996 through 2002 to carry out this chapter, in addition to any funds that may be specifically appropriated to carry out this section, shall be used to carry out programs under this section, with not less than 0.2 percent to be used for programs in developing countries.

(July 10, 1954, ch. 469, title V, § 501, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat.

3656; amended Pub. L. 102-237, title III, § 301, Dec. 13, 1991, 105 Stat. 1855; Pub. L. 104-127, title II, §§ 224, 277(c)(1), Apr. 4, 1996, 110 Stat. 959, 979.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, § 277(c)(1)(A), substituted “emerging markets” for “emerging democracies” in introductory provisions.

Subsec. (a)(6). Pub. L. 104-127, § 224(1), added par. (6) and struck out former par. (6) which read as follows: “to the extent practicable, augment the funds available for programs established under this section through the use of foreign currencies that accrue from the sale of agricultural commodities under this chapter, and local currencies generated from other types of foreign assistance activities.”

Subsec. (b)(1). Pub. L. 104-127, § 277(c)(1)(B), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The term “emerging democracy” means a country that is taking steps toward—

“(A) political pluralism, based on progress toward free and fair elections and a multiparty political system;

“(B) economic reform, based on progress toward a market-oriented economy;

“(C) respect for internationally recognized human rights; and

“(D) a willingness to build a friendly relationship with the United States.”

Subsec. (c). Pub. L. 104-127, § 224(2), substituted “0.4 percent of the amounts” for “0.2 percent of the amounts”, “1996 through 2002” for “1991 through 1995”, and “0.2 percent to be used” for “0.1 percent to be used”.

1991—Subsec. (a)(3). Pub. L. 102-237 struck out comma after “public”.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

### SUBCHAPTER VI—ENTERPRISE FOR THE AMERICAS INITIATIVE

#### § 1738. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the “Enterprise for the Americas Facility” (hereafter referred to in this subchapter as the “Facility”).

(July 10, 1954, ch. 469, title VI, § 601, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3658.)

#### EFFECTIVE DATE

Subchapter effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

#### EX. ORD. NO. 12757. IMPLEMENTATION OF ENTERPRISE FOR THE AMERICAS INITIATIVE AND THE TROPICAL FOREST CONSERVATION ACT OF 1998

Ex. Ord. No. 12757, Mar. 19, 1991, 56 F.R. 12107, as amended by Ex. Ord. No. 12823, Dec. 3, 1992, 57 F.R. 57645; Ex. Ord. No. 13028, Dec. 3, 1996, 61 F.R. 64589; Ex. Ord. No. 13131, July 22, 1999, 64 F.R. 40733, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Agricultural Trade Development and Assistance Act of 1954 (“ATDA Act”) [7 U.S.C. 1691 et seq.], as amended by Public Law 101-624 and Public Law 102-237, the Foreign Assistance Act of 1961 (“FAA”) [22 U.S.C. 2151 et seq.], as amended by Public Law 102-549 and Public Law 105-214, and section 571 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (“Public

Law 104-107”) [110 Stat. 748], it is hereby ordered as follows:

SECTION 1. The functions vested in the President by sections 603, 604, 611, and 614 of the ATDA Act [7 U.S.C. 1738b, 1738c, 1738j, and 1738m], sections 703, 704, 805(b), 806(a), 807(a), 808(a)(1)(A), 808(a)(2), 812 and 813 of the FAA [22 U.S.C. 2430b, 2430c, 2431c(b), 2431d(a), 2431e(a), 2431f(a)(1)(A), (2), 2431j, 2431k], and section 571(a)(1) of Public Law 104-107 are delegated to the Secretary of the Treasury (“Secretary”), who shall exercise such functions in accordance with recommendations of the National Advisory Council on International Monetary and Financial Policies (“Council”), as established by Executive Order No. 11269 of February 14, 1966 [22 U.S.C. 286b note]; except that, with respect to the eligibility determinations required by section 703(a)(1), (2), (3), and (4) of the FAA and the corresponding determinations required by section 805(b) of the FAA, [sic] the Secretary of the Treasury shall act in accordance with the recommendations of the Secretary of State. The functions vested in the President by sections 808(a)(1)(B) and (C), and 808(a)(4) of the FAA, and by section 571(a)(2), (c) and (d) of Public Law 104-107 are also delegated to the Secretary, who shall exercise such functions in accordance with recommendations of the Council and in consultation with the Secretary of State. The Secretary of State, when necessary, shall report to the Council regarding the need to review the implementation of environmental programs pursuant to section 611 of the ATDA Act.

SEC. 2. (a) For purposes of section 1 of this order only, the membership of the Council shall be expanded to include the following: the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Administrator of the Environmental Protection Agency.

(b) Whenever matters being considered by the Council may be of interest to an agency not represented on the Council, the chairperson may invite a representative of such agency to participate in meetings and deliberations of the Council.

(c) In the event of a disagreement among agencies represented on the Council, the Secretary shall refer the issue to the appropriate Cabinet-level body designated by the President.

SEC. 3. (a) The functions vested in the President by section 607 of the ATDA Act [7 U.S.C. 1738f] are delegated to the Secretary of State, in consultation with the Department of the Treasury, the Department of Agriculture, the Department of Commerce, the Council on Environmental Quality, the Environmental Protection Agency, the Agency for International Development, and any other agency determined by the Secretary of State to have an interest in an environmental framework agreement.

(b) Pursuant to section 610(c) of the ATDA Act [7 U.S.C. 1738i(c)] and section 709(1) of the FAA [22 U.S.C. 2430h(1)], the Enterprise for the Americas Board shall advise the Secretary of State on the negotiations of the environmental framework agreements and the Americas Framework Agreements. The Enterprise for the Americas Board, as constituted pursuant to section 811 of the FAA [22 U.S.C. 2431i], shall also advise the Secretary of State and the Administrator of the United States Agency for International Development on the Secretary—s [sic] negotiation of Tropical Forest Agreements.

(c) The Secretary of State shall ensure that the elements and requirements for the Administering Bodies established in section 607(c) of the ATDA Act and sections 708(c) and 809(c) of the FAA [22 U.S.C. 2430g(c), 2431g(c)] shall be included in the environmental framework agreements, the Americas Framework Agreements and the Tropical Forest Agreements, respectively.

SEC. 4. (a) The six U.S. Government members of the Enterprise for the Americas Board (“Board”) established by section 610 of the ATDA Act [7 U.S.C. 1738i]